

**Remarks**

This Application has been carefully reviewed in light of the final Office Action mailed June 6, 2003. Applicants appreciate the Examiner's consideration of this Response. Although Applicants believe all pending claims are allowable over the prior art of record without amendment, to expedite issuance of the Application Applicants have made clarifying amendments to independent Claims 1, 5, 33, and 48. None of these amendments are considered narrowing or necessary for patentability.

In particular, using independent Claim 1 as an example, Applicants note that the phrase "specified in the user request" added to the search procedure element of Claim 1 and to the first, second, and third sub-elements of the search procedure element merely reiterates "the user request specifying a desired attribute value for each of one or more selected product attributes" already recited in the first user interface element. Accordingly, these amendments do not narrow the claims.

Similarly, again using independent Claim 1 as an example, Applicants note that: (1) the entire phrase added to the second sub-element of the search procedure element of Claim 1 ("each attribute similarity value having been . . .") merely reiterates the limitations already recited in the first sub-element of the search procedure element; (2) the entire phrase added to the third sub-element of the search procedure element of Claim 1 ("each product similarity value having been . . .") merely reiterates the limitations already recited in the second sub-element of the search procedure element; and (3) the entire phrase added to the sort procedure element of Claim 1 ("each product similarity value having been . . .") also merely reiterates the limitations already recited in the second sub-element of the search procedure element. Accordingly, these amendments do not narrow the claims.

All other amendments merely correct typographical errors or omissions and do not narrow the claims.

Furthermore, none of these amendments raise new issues, will require further searching, or will necessitate new grounds of rejection. Accordingly, Applicants respectfully request the Examiner to enter the amendments.

### Information Disclosure Statement

An Information Disclosure Statement (IDS), accompanying PTO-1449 form, and references were submitted on May 22, 2003 but were not indicated as having been considered by the Examiner in the final Office Action. Applicants request the Examiner to indicate consideration of the IDS and references by initialing next to each reference on the PTO-1449 form. For the Examiner's convenience, copies of the IDS and PTO-1449 form are attached to this Response.

### The Claims are Allowable over *Linden*

The Examiner rejects Claims 1-5 and 7-48 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,266,649 to Linden et al. ("*Linden*"). Applicants respectfully disagree.

*Linden* fails to disclose numerous limitations specifically recited in Applicants' independent claims, whether *Linden* is considered alone, in combination with any other reference of record, or in combination with knowledge generally available to those skilled in the art at the time of the invention. For example, at a minimum, *Linden* fails to disclose, teach, or suggest the following limitations specifically recited in independent Claim 1 (and substantially similar limitations specifically recited in independent Claims 5, 33, and 48):

- *the user request specifying a desired attribute value for each of one or more selected product attributes*
- *a search procedure operable to select a set of one or more candidate alternative products having attribute values consistent with the desired attribute values specified in the user request for the selected product attributes*
- *for each potential alternative product in a set of potential alternative products the search procedure operable to:*

*for each selected product attribute, compare the desired attribute value specified in the user request with the attribute value for the potential alternative product to determine a attribute similarity value for the selected product attribute for the potential alternative product; and*

*determine a product similarity value for the potential alternative product according to the attribute similarity values, each attribute similarity value having been determined for a selected product attribute for which a desired attribute value is specified in the user request by comparing the*

***desired attribute value specified in the user request with the attribute value for the potential alternative product;***

***the set of one or more candidate alternative products being selected according to the product similarity values for the potential alternative products, each product similarity value having been determined according to the attribute similarity values determined for each selected product attribute for which a desired attribute value is specified in the user request***

- o ***a sort procedure operable to rank the one or more candidate alternative products in order of decreasing similarity to the requested product determined according to the product similarity values for the one or more candidate alternative products, each product similarity value having been determined according to the attribute similarity values determined for each selected product attribute for which a desired attribute value is specified in the user request***

In contrast, *Linden* merely discloses recommending items to a user based on a mapping, ***previously performed in an "off-line" manner***, of a first set of items already known, ***prior to any user request***, to be of interest to the user to a second set of items previously determined, ***prior to any user request***, to be similar to the first set of items based on purchase history data. Not only does *Linden* fail to disclose, teach, or suggest determining similarities between items ***using attribute values specified in a user request for individual product attributes*** as specifically recited in Applicants' independent claims, *Linden* explicitly states that not relying on such attribute value comparisons provides an important advantage. In particular, *Linden* states that an important benefit of the disclosed recommendations service "is that the items need not contain any content that is amenable to feature extraction techniques . . . . For example, the method can be used to generate a similar items table given nothing more than the product IDs of a set of products and user purchase histories with respect to these products." (Column 13, Line 63 – Column 14, Line 3) Numerous additional examples distinguishing *Linden* from the limitations specifically recited in Applicants' independent claims were excerpted and provided in Applicants' previous Response.

The Examiner relies on the requests disclosed in *Linden* at Column 7, Lines 10-12 against the recited ***"user request specifying a desired attribute value for each of one or more selected product attributes."*** (Final Office Action, Page 2) Similarly, the Examiner equates "receiving a request for a product" with the recited receiving a ***"user request specifying a desired attribute value for each of one or more selected product attributes."*** (Final Office

Action, Page 3) However, *Linden* provides absolutely no disclosure, teaching, or suggestion that these requests ***specify desired attribute values for selected product attributes*** as recited in Claim 1. As disclosed in *Linden*, each request merely represents a request for a particular product the user has already selected for purchase. Independent Claim 1 is allowable over *Linden* for at least this reason.

Similarly, in response to remarks presented in Applicants' previous Response, the Examiner relies on the disclosure in *Linden* at Column 14, Lines 50-53 of various variables used in an off-line process, ***prior to any user request***, for creating a similar items list. (Final Office Action, Page 18) In contrast, as discussed above, Applicants' independent claims specifically recite determining similarities between items ***using attribute values specified in a user request for individual product attributes***. Applicants respectfully submit that the portions of *Linden* on which the Examiner relies are clearly insufficient to support the continued rejection of Applicants' claims.

The Examiner further relies on portions of *Linden* disclosing various operations used in an off-line process, ***prior to any user request***, for creating a similar items list. (Final Office Action, Pages 3-4). However, as the numerous excerpts from *Linden* provided in Applicants' previous Response make clear, none of these operations involve:

- ***a search procedure operable to select a set of one or more candidate alternative products having attribute values consistent with the desired attribute values specified in the user request for the selected product attributes***
- ***for each potential alternative product in a set of potential alternative products the search procedure operable to:***
  - for each selected product attribute, compare the desired attribute value specified in the user request with the attribute value for the potential alternative product to determine a attribute similarity value for the selected product attribute for the potential alternative product; and***
  - determine a product similarity value for the potential alternative product according to the attribute similarity values, each attribute similarity value having been determined for a selected product attribute for which a desired attribute value is specified in the user request by comparing the desired attribute value specified in the user request with the attribute value for the potential alternative product;***

*the set of one or more candidate alternative products being selected according to the product similarity values for the potential alternative products, each product similarity value having been determined according to the attribute similarity values determined for each selected product attribute for which a desired attribute value is specified in the user request*

As the numerous excerpts from *Linden* provided in Applicants' previous Response also make clear, none of these operations involve:

- *a sort procedure operable to rank the one or more candidate alternative products in order of decreasing similarity to the requested product determined according to the product similarity values for the one or more candidate alternative products, each product similarity value having been determined according to the attribute similarity values determined for each selected product attribute for which a desired attribute value is specified in the user request*

In response to remarks presented in Applicants' previous Response, the Examiner relies on the disclosure in *Linden* at Column 3, Lines 7-10 of retrieving a similar items list, created previously in an off-line process, to generate a set of recommendations for a user. In contrast, as discussed above, Applicants' independent claims specifically recite determining similarities between items *using attribute values specified in a user request for individual product attributes*. Applicants again respectfully submit that the portions of *Linden* on which the Examiner relies are clearly insufficient to support the continued rejection of Applicants' claims.

For at least the above reasons, Applicants respectfully request reconsideration and allowance of independent Claims 1, 5, 33, and 48.

Applicants' dependent claims are allowable based on their dependencies and further because they recite numerous additional patentable distinctions over the prior art. Since Applicants believe they have amply demonstrated the allowability of the independent claims over the prior art, and to avoid unnecessarily burdening the record, Applicants have not provided detailed remarks concerning the dependent claims. However, Applicants remain ready to provide such remarks if it becomes appropriate to do so. Applicants respectfully request reconsideration and allowance of all dependent claims.

**Conclusion**

Applicants have made an earnest attempt to place this case in condition for allowance. For at least the foregoing reasons, Applicants respectfully request full allowance of all the pending claims.

If the Examiner believes a telephone conference would advance prosecution of this case in any way, the Examiner is invited to contact Christopher W. Kennerly, the Attorney for Applicants, at the Examiner's convenience at (214) 953-6812.

Applicants believe that no fees are due. However, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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